

REMARKS

In the above-identified Office Action all of the pending claims were rejected in view of the disclosure of the cited Nakayama patent. By this response, however, all of the independent claims have been amended and are believed to be patentably distinct over the prior art. Also, in paragraph 6 of the Office Action the form of Claims 39 and 40 was objected to, and that form has also been amended as suggested by the Examiner.

In this regard, in accordance with the present invention, a touch screen is used to select a storage box, as shown in Applicant's Fig. 2, which box will serve as a destination for a scanned image, thereby creating a file for the scanned image data. The disclosure of that file and the transmission of the data therein, as set forth in the amended claims, is discussed in particular at Page 8, line 13 through Page 10, line 16 of the Specification.

The cited Nakayama patent, on the other hand, discloses an operating unit 21 which is provided with a color mode setting switch to permit a multi-color image reading procedure. Applicant respectfully submits that the above-referenced disclosure of the Nakayama reference, wherein a mere color mode is designated, does not anticipate or render obvious Applicant's instruction or selection by a user to create a file in a memory as set forth in each of the amended claims. Particularly, Claim 31 now requires:

a file creating unit adapted to create a file in a memory into which image data corresponding to the document image will be stored, and from which the image data will be transmitted in response to an instruction by a user; and

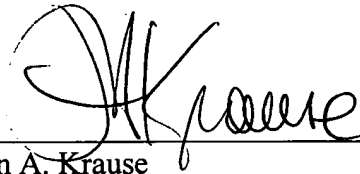
a controller adapted to register the document image which was read by said image reading unit both as color image data and as monochrome image data in the file which was created by said file creating unit.

No such file creation and image data transmission selection is contemplated by the Nakayama reference.

For these various reasons it is believed that amended Claims 31-40 are allowable, and the issuance of a formal Notice of Allowance is solicited.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Krause", written over a horizontal line.

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